

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WALI ABDULLAH AHMAD,

Defendant-Appellant.

UNPUBLISHED

February 26, 2008

No. 275558

Muskegon Circuit Court

LC No. 06-053008-FH

Before: Talbot, P.J., and Cavanagh and Zahra, JJ.

PER CURIAM.

Defendant appeals by delayed leave granted from a sentence of 19 months to 21 years imposed on a plea-based conviction of uttering and publishing, MCL 750.249. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's sole issue on appeal is that the trial court erred in denying him credit for time served. Because defendant conceded below that he was not entitled to sentence credit, the issue has been waived and there is no error. See *People v Carter*, 462 Mich 206, 219-220; 612 NW2d 144 (2000); *Living Alternatives for the Developmentally Disabled, Inc v Dep't of Mental Health*, 207 Mich App 482, 484; 525 NW2d 466 (1994). Even if the issue had not been waived, it is without merit.

The law is clear that where a defendant is held in jail because the charged offense constituted a violation of parole, he is not entitled to credit for time served under MCL 769.11b. "When a parolee is arrested for a new criminal offense, he is held on a parole detainer until he is convicted of that offense, and he is not entitled to credit for time served in jail on the sentence for the new offense." *People v Seiders*, 262 Mich App 702, 705; 686 NW2d 821 (2004). Instead, a parole detainee convicted of a new offense is entitled to have jail credit applied exclusively to the sentence from which parole was granted. *Id.* Credit is not available to a parole detainee for time spent in jail attendant to a new offense because "bond is neither set nor denied when a defendant is held in jail on a parole detainer." *Id.* at 707; see, also, *People v Stead*, 270 Mich App 550, 551-552; 716 NW2d 324 (2006); *People v Meshell*, 265 Mich App 616, 638-639; 696 NW2d 754 (2005). The time served on the parole hold is credited against the sentence for which parole was

granted, even if prison authorities abandon parole violation proceedings. *People v Stewart*, 203 Mich App 432, 433; 513 NW2d 147 (1994).

Affirmed.

/s/ Michael J. Talbot
/s/ Mark J. Cavanagh
/s/ Brian K. Zahra